

**BEFORE THE BOARD OF ADJUSTMENT OF SUSSEX COUNTY**

**IN RE: INDIAN RIVER VOL. FIRE CO. (Case No. 11045)**

A hearing was held after due notice on September 24, 2012. The Board members present were: Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, Mr. Norman Rickard, and Mr. Brent Workman.

Nature of the Proceedings

This is an application for a variance of the side yard setback requirement.

Findings of Fact

The Board found that the Applicant was seeking a variance of 6.2 feet from the 10 foot side yard setback requirement for a proposed addition. The Applicant has requested that the aforementioned requested variance be granted as it pertains to certain real property located southwest of Road 297, approximately 700 feet west of Delaware Street; said property being identified as Sussex County Tax Map Parcel Number 2-34-34.08-42.00. After a hearing, the Board made the following findings of fact:

1. Patrick Miller was sworn in and testified on behalf of the Applicant.
2. The Board found that Mr. Miller testified that he is the President of the Indian River Volunteer Fire Company and that Applicant proposes to construct an addition to the existing building located on the Property.
3. The Board found that Mr. Miller testified that the proposed addition will measure fifteen and one-half feet (15 ½) by twenty eight (28) feet and will include a pantry and walk-in freezer.
4. The Board found that Mr. Miller testified that the Fire Company has purchased the adjacent properties known as Lots 43 and 44 and that the proposed addition will be located on the side of the Property adjacent to those lots.
5. The Board found that Mr. Miller testified that the proposed addition will be in line with the existing building.
6. The Board found that Mr. Miller testified that the location is needed to accommodate the existing kitchen.
7. The Board found that Mr. Miller testified that there is an existing doorway which prevents the proposed addition from complying with the required setback requirement.
8. The Board found that Mr. Miller testified that the Applicant has relocated the propane tanks and utility poles to accommodate the addition.
9. The Board found that Mr. Miller testified that the Applicant may combine the recently purchased parcels with the existing parcel.
10. The Board found that Mr. Miller submitted a survey of the Property.
11. The Board found that no parties appeared in support of or in opposition to the Application.
12. The Board found that the Planning & Zoning Office received three (3) letters in support of the Application.
13. Based on the findings above and the testimony presented at the public hearing and the public record, the Board determined that the Application met the standards for granting a variance. The variance will enable reasonable use of the Property. The variance will not impair the uses of neighboring and adjacent properties. The variance will not be detrimental to the public welfare. The variance, if granted will not alter the essential character of the neighborhood. The variance sought is the minimum variance to afford relief. The variance represents the least modification possible of the regulation in issue.

The Board approved the variance application finding that it met the standards for granting a variance.

Decision of the Board

Upon motion duly made and seconded, the Application was approved. The Board Members voting to approve the Application were Mr. Dale Callaway, Mr. Jeff Hudson, Mr. John Mills, and Mr. Norman Rickard. No Member voted against the Motion to Approve the Application.

BOARD OF ADJUSTMENT  
OF SUSSEX COUNTY

  
Dale Callaway  
Chairman

If the use is not established within one (1)  
year from the date below the application  
becomes void.

Date October 16, 2012.